

No. PD-0862-20

**IN THE COURT OF CRIMINAL APPEALS OF TEXAS
AT AUSTIN**

FILED
COURT OF CRIMINAL APPEALS
3/1/2021
DEANA WILLIAMSON, CLERK

ANTHONY RUFFINS, Appellant
v.
THE STATE OF TEXAS, Appellee

03-18-00540-CR
In the Third Court of Appeals
Austin, Texas

Appealed from the 207th Judicial District Court
Cause No. CR2016-614
Comal County, Texas

**STATE'S SECOND & FINAL MOTION TO EXTEND TIME TO FILE
BRIEF**

Jennifer Tharp
Criminal District Attorney

By
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Attorney for the State

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes the State of Texas, Appellee and Petitioner in the above-styled and -numbered cause, and moves for an extension of time of 15 days from the current deadline on March 1, 2021 to file its Brief, and for good cause would respectfully show unto this Honorable Court the following:

I. Procedural History

After Appellant appealed his aggravated robbery conviction and life sentence, the Third Court reversed in a 2-1 decision, with Justice Goodwin writing a lengthy dissent. *See Ruffins v. State*, 613 S.W.3d 192 (Tex. App.—Austin 2020, pet. granted). This Court granted the State’s Petition for Discretionary Review on January 13, 2021, noting that oral argument would be permitted. The State’s Brief is currently due on March 1, 2021.

II. The State Respectfully Requests an Extension of Time to File Its Brief, Due in Part to Complications From Inclement Weather.

The Attorney for the State who worked on its Brief in the Third Court will likewise write the State’s Brief on Discretionary Review. Since February 4, 2021, she has been busy with intake, dockets, grand jury, processing and finalizing pretrial diversion applicants, assisting with protective orders, preparations for a contested bond hearing, processing intern applications, interviewing interns, and supervising current interns.

Additionally, the office was closed on Monday, February 15th for a county holiday, and was also closed from Tuesday the 16th through Friday the 19th due to inclement weather. Although she was able to make some progress on her Brief in PD-0617-20 from home, due to various issues caused by the weather, she was not able to complete the State's Brief in that case before the existing deadline, and after obtaining a short extension, filed it after 4 p.m. last Friday, the 26th. She and other attorneys in the office have been trying to catch up on various tasks which were delayed due to the weather.

Although she is familiar with this case, because of the foregoing, she has not yet been able to substantially complete the State's Brief in this case. Accordingly, the State respectfully requests a 15-day extension to file the State's Brief. This is the State's second and final motion to extend the time to file its Brief.

III. Prayer

WHEREFORE, PREMISES CONSIDERED, the State respectfully prays for a final extension of 15 days—until Tuesday, March 16, 2021—to file the State’s Brief. This extension is not requested for the purpose of delay but so that justice may be done.

Respectfully submitted,

/s/ Joshua D. Presley

Joshua D. Presley

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Certificate of Service

I, Joshua D. Presley, Assistant District Attorney for the State of Texas, Appellant, hereby certify that a true and correct copy of this *State’s Motion* has been sent to Appellant ANTHONY RUFFINS’ attorney in this matter:

Karen Oprea

karen.oprea@opreaweberlaw.com

The Law Office of Oprea & Weber

1411 West Ave., Ste. 200

Austin, TX 78701

Counsel for Appellant on Appeal

In addition to the State Prosecuting Attorney’s Office at information@spa.texas.gov by electronic service to the foregoing email addresses, on this, the 1st day of March, 2021.

/s/ Joshua D. Presley

Joshua D. Presley

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Associated Case Party: Anthony Ruffins

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